

Judges' Strategies for Getting Kids to Permanency

Child Welfare Judges Conference
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Speakers

- Judge Robin Sage, Facilitator
- Judge Kim Brown
- Judge Rich Garcia
- Judge Kevin Hart
- Judge Cathy Morris

Overview

- Defining Permanency
- Stages of Case during which judges should be creative about permanency:
 - Day 1 (Removal) to Status Hearing
 - 1st Permanency Hearing
 - Trial
 - Post-Trial
- Questions – index cards on table
- Bench Book

Poor Outcomes for Foster Children

Much research shows poor outcomes for children who have been in foster care, which increases with longer terms of care and increased numbers of placements:

- Homelessness
- Poverty
- Mental Illness
- Other behavioral problems

Children in the Foster Care System

- Joseph Doyle, Jr., “Child Protection and Child Outcomes: Measuring the Effects of Foster Care” Am. Econ. Review
- Massachusetts Institute of Technology
- 2007 study of 10 years of data on over 15,000 children who came into contact with the Illinois child welfare system

Study Groups

Marginal Cases – those where social workers disagree about the necessity of an out-of-home placement.

Some children were removed from primary home; others were not.

The only differing factor was whether the family had a caseworker who was more likely to remove a child or not.

Results – Children Who Were Removed

- Three times more likely to be involved with the juvenile justice system than similarly situated children left in the own homes.
- More likely to become teen mothers than similarly situated children left in their own homes.
- Less likely to hold a job as young adults for at least three months than similarly situated children left in their own homes.

Follow Up Study

- Joseph Doyle, Jr. (2009)
- Study of the data on 23,000 children who had contact with the Illinois child welfare System

Results – Children Who Were Removed

- Were 2 to 3 times more likely to have had arrests, convictions, and imprisonments within the adult criminal system within 10 years of exiting the system.
- Were more likely to have had an emergency room or hospital visit within 12 months of placement.

Michigan Study (2002-2003) within 3.6 Years Average, after Aging Out

- Former Foster Youth eight times (8x) more likely to have been homeless.
- 70% of youth have income below poverty guidelines vs. 30% of youth in the general population.
- Over half have received public assistance.
- 27% have spent time in jail, on average 8 months

Defining Permanency

- How do you define permanency?



Judges' Strategies for Getting Kids to Permanency From the Start

- What should you be thinking on Day 1?



Judges' Strategies for Getting Kids to Permanency

- Removal to the Status Hearing



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1st Permanency Hearing

- At 6 months in, how can you move your case along to permanency?



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- 1st Permanency Hearing



Final Trial

- How do you ensure permanency when a Final Trial is approaching?



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- Final Trial



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- How do we prevent youth aging out of care?



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- Post-Final Order



Judges' Strategies for Getting Kids to Permanency Post-Final Order

- DFPS named PMC without Termination of Parental Rights

Or

- DFPS named PMC with Termination of Parental Rights, but adoption not child's permanency plan and no efforts to find adoptive placement underway

Judges' Strategies for Getting Kids to Permanency

Post-Final Order

- Docketing strategies
 - Permanency Hearing After Final Order 263.5031
 - Child's attendance and flexibility with settings
- Parents involved without attorneys
- Cooperation of Prosecutor/DFPS/ PMC Unit

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Post-Final Order

- DFPS named PMC and Possessory Conservatorship placed with relative/kinship
 - ICPC
 - Permanency Care Assistance (Fostering Connections)
 - Termination Denied or Court finds “grounds” for termination but not “best interest”
 - Child support orders
 - Orders for Actions Necessary for Return of Children
- 161.004

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Post-Final Order

- Agreed PMC
 - DFPS approved
 - No “grounds”
 - More time needed past extension of dismissal date for reunification
 - Child Driven
 - Older child does not want adoption or no families identified
 - Severe medical/mental health challenges

Judges' Strategies for Getting Kids to Permanency

Post-Final Order

- New Permanency Plan or Aging out of Foster Care
 - Permanency review after final order
 - Child attends
 - (A Guide for those Aging out of Foster care in Texas)
- Aging out of Foster Care
 - Transitional Living Plans
 - Supportive Independent Living Programs
 - Age 18 – dismiss legal case (Court retains jurisdiction)
263.602
 - Trial Independence 263.6015
 - Extended Foster Care 263.602

Questions/Suggestions

- How do we achieve real permanency for these youth?